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INDIANA UNIVERSITY
Maurer School of Law
Bloomington

The Exordium

Vol. 13, No. 4
October 1989

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The Newsletter of the Indiana University School of Law, Bloomington

Batman Producer Returns to IU

By Pamela Feli'cia

Michael Uslan, IU Law School graduate and producer of the movie "Batman," addressed a small crowd of BatEnthusiasts in Whittenberger Auditorium on September 15th, as part of the 13th Annual IU Law Conference.

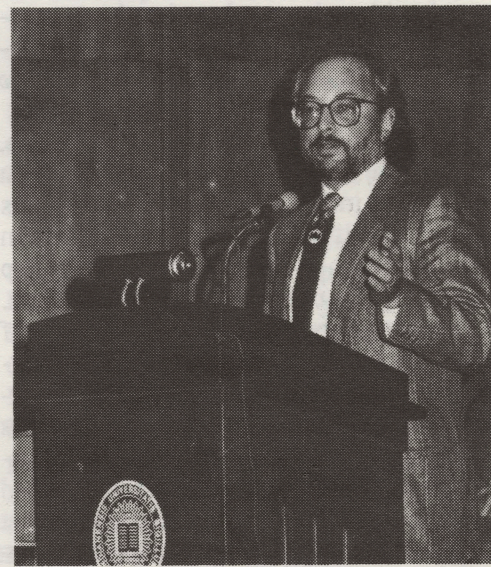
Uslan, who first conceived of making a dramatic Batman movie fourteen years ago, wanted to portray Batman as a serious superhero, as people saw him in the not-so-comic comic strip, and not as he was portrayed on the purely fantastical television series.

Uslan's passion for Batman began in his childhood. He was an avid comic book collector; his collection numbering 10,000 by the time he was in eighth grade. In high school he was working on his own comic strip, and as an undergraduate at IU he became the first in U.S. history to teach a college course for credit in comic books. The course emphasized traditional American folklore, the foundation, according to Uslan, on which

comic strips are built.

From a B.A. in History to a J.D. to Hollywood, entertainment law was the route which Uslan took to learn film production. But, undoubtedly, Uslan would have made it to Hollywood had he studied anthropology in Timbuktu. He is one of those one-in-a-million-kind-of-guys who, regardless of pessimistic influences, made his dream come true and became filthy rich in the process. But like other dream makers, Uslan's dream was fourteen years in the making. That was then.

"Batman" sequels are in the works. A prediction for even greater Batsuccess? Only two sequels. In one movie Robin would return to assist the Caped Crusader save humanity from villains Chuck Norris and Sylvester Stallone (as themselves). The other sequel would feature politician Jesse Jackson (he was good on Saturday Night Live) as a national lobbyist for animal rights who lob-



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Michael Uslan

bies Batman to cease exploiting bats. These are movies many would pay to see, but no one would pay to make. In any case, Uslan has fifty years of Batman stories to work with, a fact that should excite Batfans for decades to come.

From Georgetown to Uptown(Cafe)

By Andrew Buroker

Two distinguished School of Law faculty have resumed teaching at IU while following career pursuits in Washington, D.C. Former Dean S. Jay Plager and Professor Ilene Nagel left Bloomington in 1986 to pursue opportunities in the nation's capital. Professor Nagel was appointed a member to the new U.S. Sentencing Commission by President Reagan. The Commission was formed by Congress to create sentencing guidelines for the entire federal judiciary. Dean Plager received an appointment as Counselor to the Health and Human Services Under Secretary and later moved to the Office of Management and Budget as its Associate Director and then as Administrator of the Office Infor-

mation and Regulatory Affairs.

While we welcome them back to teaching at IU, the stay may be short. Dean Plager was appointed by President George Bush as a judge on the Federal Circuit Court of Appeals, sitting in Washington, D.C. The former Federal Claims Court, this court hears all patent, trademark, copyright, and federal claims cases appeals. The appointment is subject to Senate confirmation, which is expected sometime this fall.

Professor Nagel has two years remaining on her six year term at the Sentencing Commission. She began teaching sociology at IU in 1973 and joined the law faculty in 1977. She has also taught at Columbia, Cambridge, Minnesota, and Cincinnati, and was a Guggenheim

Research Fellow at Yale. In addition, Professor Nagel counts 2 books, 28 articles or notes (3 pending), 7 grants, 17 national organization memberships, and 7 fellowships to her credit. She is a Phi Beta Kappa and Magna Cum Laude graduate of Hunter College, M.A. and Ph.D. recipient of N.Y.U., and has a Master of Legal Studies from Stanford.

Dean Plager served as Dean of the law school from 1977 until his departure in 1986. He has taught law at Florida, Illinois, Wisconsin, IU, and Cambridge. He graduated from the University of North Carolina; he received his J.D. from Florida and his LL.M. from Columbia. While at Florida, he was editor-in-chief

see Plager/Nagel on pg. 3

How do Deans Earn Their Living?

By Bryant G. Garth

I am delighted to have been invited to contribute to *The Exordium*. I just finished our alumni weekend, so I am armed with countless variations on the theme of welcome and go IU. It may be more interesting to you, however, if I make this column educational. A question students (and often faculty) appropriately ask law school deans is, what do you do for a living?

In my case, I teach about half-time, although I cannot always prepare with the same intensity that I did when I was not dean. It is clear also that I engage in fundraising, which probably takes up about ten to twenty percent of my time. Currently we are optimistic that one of our graduates will help us set up an endowment that would provide a loan forgiveness program to encourage students to elect public service careers. We continue to push to increase our financial aid base and to create endowments to attract

and retain our faculty. I also do alumni relations, which means many things, including making remarks (six times last week), or explaining why a son or daughter with many outstanding qualities could not quite get into the law school.

Really, it was a particularly difficult year. Fundraising, alumni relations, and other events dictate that a Bloomington dean drive often to Indianapolis. I do that about once a week. Last week Dean Fromm and I met with the Board of Bar Examiners to discuss admission to the state bar, especially the "character and fitness" standard. The week before, I met with a state bar committee on which I serve, which agreed to seek abandonment of the early bar exam and modification of Rule 13.

Law deans also handle many other relationships between the school and the campus and the school and other constituencies. That means often that I make phone calls because the dean must make

them, not because I have any idea about the details of the subject I call about. Some of these phone calls are almost purely symbolic, showing that I am trying to support one of our faculty or students on some small question of detail.

These kinds of activities and the fact that I must be present (and semi-conscious) at many events explains why the previous dean told me that about half of this job requires no brain at all. Assuming the university and our friends reward us with resources, and that good students are applying, the job has to be to help recruit, develop, and retain an outstanding faculty, and to help the faculty make crucial decisions about the academic program. That requires some salesmanship, some encouraging counseling, some tough talk and action about standards, and a lot of time. It is the hardest part of the job and the most and least rewarding. My "leadership" is not always successful, and the right mix of standards and encouragement is never easy to find, but it is great fun to watch a very strong group get better and better, and to know that at least I have not ruined them.

It is not true, however, that deans have no power. They make many important decisions. Three years ago I decided a couple of times who should get a new computer and who should get a used one. And, finally, I take some credit for the decision a few years ago about where to put soap dispensers in the bathrooms.

Armed with little power and many sorts of conflicting pressures and demands, I understand well why law school deans stay in the job only about four years on the average. The weird thing, however, is that I actually believe the upbeat reports I am constantly providing to the law school's constituencies. I think that is why, for better or worse, I still generally go to work in a good mood.

BALSA is looking for a few good acts... and some bad ones too!

ANNUAL GONG SHOW
DATE: Friday, October 20
TIME: 4 p.m. - 6 p.m.
PLACE: Bear's Place

Come and demonstrate your talents. Will Professor Schornhorst waive/wave the GONG for you?!

The Exordium

The Exordium is published by the Student Law Association with the help of student volunteers. The next issue will be available in November. The editors are currently accepting articles and letters for publication for that issue. Items should be turned in to John Bessler's mailbox. All opinions expressed in *The Exordium* are those of the individual writer and do not necessarily reflect the view of the students, faculty, administrators or University. The editors reserve the right to edit any letters or articles or reject items which do not fulfill editorial goals. Any upcoming events should be put in Pete Raack's mailbox for publication in the next issue.

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SLA to Take an Active Role

By Cynthia King

SLA, the Student Law Association, is off to a productive start. Members of SLA have been meeting weekly in order to get things moving and set an agenda for the upcoming year.

This year SLA wants to be more visible and to increase student and faculty awareness of the role SLA plays in the law school. SLA acts as a liaison between students and the administration and helps to address student concerns. Pam Dils, a second year representative, stated that "SLA is unique in that it is the only student organization whose members are elected by the student body. That makes us directly accountable to students."

This year one of SLA's primary goals is to establish a forum for increased student input. In past years SLA has not been used to address student concerns to the extent that this year's members would like. Third year representative David Draper stated, "For SLA to actu-

ally be effective, we need greater student involvement." Draper added, "This year's members want to be actively advocating on issues that concern students."

"This year's members want to be actively advocating on issues that concern students."

For instance, students indicated that they wanted the bookstore to be open more often, so we've had it open daily from 12-1. To some this may seem like an issue of

small concern, but it shows that we're willing to listen to students."

One of SLA's functions is to appoint students to committees overseeing such topics as student admissions and faculty hiring. This year's appointments have already been made. SLA first year representative Charlotte Westerhaus commented, "Committees are not the only avenue for student participation. However, the role that students play is up to them. We hope to increase that role, but we'll need students to take the initiative."

SLA representatives for this year are Karen Hodges, Dan Bopp, and Charlotte Westerhaus (1st year); Sean Kenyon, Pam Dils, and Cynthia King (2nd year); and Peter Raack, David Draper, and Gary Bell (3rd year). Help SLA to represent students effectively by getting involved, voicing your concerns to an SLA representative, or by putting a note in the door of the SLA office in the basement of the law school.

ELS Experiences New Growth

By David Mucha

Membership in the Environmental Law Society (ELS) has grown from twenty members last term to a record twenty members this term. Why the sudden increase in ELS membership? Mike Zody, President of the ELS, points to students' increased awareness of employment opportunities in environ-

committee, chaired by Pete Raack, will assist the law school in placing and monitoring paper recycling bins inside the law building. All students are encouraged to use the bins, especially the ones that will be placed near the mailboxes where a lot of "scrap" paper tends to accumulate.

Environmental law newsletter, and a variety of social events.

Any student interested in joining the ELS should attend any of the posted meetings or contact ELS President, Mike Zody.

"The ELS has grown so much that seven committees have been established to address specific issues."

mental law, increased student concern about the state of the environment, and the ever increasing visibility of the ELS as primary factors.

The ELS has grown so much that seven committees have been established to address specific issues. One issue of special concern is that of recycling within the law school. The recycling

The ELS recently sponsored a well-attended canoe trip on the Blue River in southern Indiana. Other activities on the ELS agenda include participation in the "Festival to Save the Hoosier National Forest," a trip to the National Environmental Law Conference in New Orleans, a series of Sunday hikes, lectures from environmental experts, writing of the

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of the law review and was a member of Phi Beta Kappa, Phi Beta Phi, and Order of the Coif.

He served in the Navy and Navy Reserve for 23 years. With 4 published studies, 3 books, and 24 articles to his credit, he has also devoted substantial time to the Association of American Law Schools and numerous professional organizations.

In his service to the government, he was responsible for reviewing all executive branch agency regulatory proposals, supervised budget and policy proposals for four major departments and 26 agencies totaling over 40% of the federal budget annually (\$500+ billion), and advised HHS on varied policy development.

Law School Adds New Writing Requirement

By Tom Tozer

Present first year law students may have to take another writing course during their second year, above and beyond the first year research and writing courses and the B706 writing project already required. The new writing requirement, proposed by a committee headed by Professor Dan Conkle, is already Law School policy.

The new second year course most likely will consist of "small group" courses covering some of the same topics now offered in the second year curriculum. However, in the small group courses students will probably be required to write several short assignments graded separately during the semester rather than taking one final exam. However, many details still have to be ironed out before the plan can go into effect,

Conkle said.

The new policy also calls for creation of a full-time faculty position to oversee development of the first year writing course and to coordinate the soon-to-be three-year writing curriculum.

"The new writing requirement . . . is already Law School policy."

Conkle said he was not certain whether the post will be filled by hiring from outside the present faculty or by elevating a present faculty member to the slot.

A lack of coherent standards in teaching methods in the first year research and writing course and the fact that the course presently rates low on a list of most first year students' priorities point out the need to bring the course under the wing of a full-time faculty member, according to a report by Conkle's committee.

However, the program might not be implemented in time to cover this year's first year students due to the need to fill the new faculty position and to work out scheduling conflicts and other curriculum-related details, Conkle said.

The faculty recently approved the plan in response to a poor showing by Bloomington law graduates on the 1990 Indiana Bar exam, and partly out of concern about the writing competencies of graduating law students, he said.

New Writing Requirement Is Good Medicine

By Kent Zepick

A nasty rumor is floating around the Law School. Third year students may pause to sagely consider its significance; second year students will hail it as an idea whose time has come; first year students will forever see the cosmos as a hostile place.

The issue in question is the Law School's curriculum. The powers that be have added another writing requirement. It will apply to second year students and may take effect next year.

"It seems lawyers are in dire need of a good linguistic enema."

Apparently, IU law students and graduates do not write well enough. A report circulating among faculty and administration members so concluded. A proposed writing class hopes to remedy the problem.

Common sense tells us that the disease of poor writing afflicts the entire nation. Lawyers, and law students, surely do not have a monopoly on the ill-constructed sentence or paragraph. However, lawyers, and law students, do

seem especially prone to adding that extra clause or parenthetical remark. (Let's face it: We're addicted.) Furthermore, lawyers and law students *do* write sentences that defy comprehension; they are jam-packed with extraneous words. These sentences are verbose, convoluted, abstract, muddled, opaque, vague, obtuse, and . . . redundant. Quite simply, lawyers write sentences that are constipated by too many words.

The problem is ancient. Legal practitioners have been assaulting language since Moses descended Mt. Sinai with The Model Penal Code. Writing has come to entangle the mind, not enlighten it. A cursory glance at any rental lease proves the point. It seems lawyers are in dire need of a good linguistic enema.

Perhaps the new writing course could help clean up the mess. The class would require each second year student to complete a full credit course which places greater emphasis on writing. Students would write one major term paper or a series of shorter papers.

Any first year student in the throes of the Legal Research and Writing class will look askance at this idea. We suspect the scheming minds of current second year students to be behind this draconian measure. The

new class is obviously designed to prolong our plebe status. Who said doctors

see *Writing* on pg. 5

The Exordium wants to know! We want opinion pieces for publication in these pages. Deadline for the next issue is October 27.

We're interested in pretty much anything you're concerned enough to write about. But we prefer articles touching on life in law school. E.g.: What's so hot about the Blue Book? Why not the Maroon Book instead?; Is the "Socratic Method" worth it?; Do I have to abandon my morals to work for Baker & Hoestetter (answer - yes)?

Big picture topics are also appropriate. E.g.: Law's role in perpetuating economic oppression. Gun control and the Constitution. Dan Quayle and the case for retroactive abortion.

Submit your article by dropping it in the mailbox of Tom Tozer (2nd year) or John Bessler (2nd year) by the deadline. We will edit articles, but only to conserve space.

Clip-And-Save Guide to Professionalism

Greg Castanias

It is the silly season.

Every August, a law student's rights turn to things egotistical. This, of course, means that it is time to put together the resume for interview season, whether it be for a private law firm, a public interest group, or the government.

It is expected that every resume will contain an outstanding outline of one's own achievements, but the resume must be more than a resume: a temporary and one-dimensional statement of one's tangible accomplishments. There is no place for this in our personal relationships, and this is the best time for us to remember this lesson: We are training to be professional, and being a professional means providing a service to *others*, first and foremost.

Professionalism is an important time to remember at this time of year, when we are all aglow with ourselves. Professionalism means that when you use your hand, it should be for the purpose of contributing to the class, and not to hear one's own voice. It means that your o'clock appointment starts at four o'clock, whether it's with the Dean or with your peer advisees. It means showing appreciation to others. It means making an effort beyond the minimum required to save one's own hide.

The fall is, in many ways, a neat time of year. Flushed from the experience of a summer clerkship, some of us

have returned with tales aplenty of what we did, saw, or wrote in the summer months. This should provide the first moment for reflection. Many summer clerkships are studies in massaging the clerk's ego: fancy dinners, swank get-togethers with the partners, tickets to major events—all tools of the recruitment

"We can never forget that without clients, and without the help and support of others, we are nothing as lawyers, and very small people besides."

trade. And, hopefully, everyone's summer experience was the best one around.

I recently found myself in one of these conversations, on the receiving end, being told of the social graces which Chicago lawyers have and Indianapolis lawyers lack. (I was the Indianapolis "lawyer.") I could do little but sadly walk

away from this friend. But when the wining and dining is done, my friend will be serving a client, not being served by a waiter. I hope he remembers this, because it will make him a better lawyer; perhaps, a better person. The personalities of cities and law firms do not alter the obligations we will shoulder as members of the Bar.

Being a lawyer is not a story about one's own self. It is a story of clients, whether the client be a pregnant indigent mother, a local cafe, or IBM. The job and the paycheck are the sagas in which the lawyer stars. We are all smart enough to know this. We can never forget that without clients, and without the help and support of others, we are nothing as lawyers, and very small people besides.

This summer, *Doonesbury's* Garry Trudeau capsulized the problems of lawyers' professionalism. A young lawyer, dying of AIDS, dreams of his death. He wakes, and tells his mother, "I dreamt I was at my own funeral! And the Pope was giving the eulogy! Can you believe it! He said I was a rare spirit, a man who had put back in the world tenfold what he had given. He said I had truly made a difference!" His mother's response: "Wake up dear. You're a lawyer."

The four professions in this world are medicine, ministry, teaching, and the law. All of them are professions because they involve service to others. Don't ever forget. Don't ever forget.

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jeopardy is unconstitutional, anyway?

However, we don't have to *like* the idea for it to have merits. It's kind of like oat bran. You loathe the thought of eating the stuff, but do it anyway. As your mother would say, "It's good for you."

A college English professor of mine echoed those sentiments, albeit in more sophisticated terms. His article of faith was this: to write well is to think well. To distill complex thoughts into clear prose reflects an engaged intellect. If the audience missed your point, your thinking was fuzzy.

He professed one other axiom: to

write is to *learn*. Any writing exercise short of plagiarism forces the writer to assimilate new theories, grapple with difficult concepts, and appreciate subtle nuances. Writing does not hinder learning, it fosters learning. Some may see the new requirement as a noble idea but lacking much chance for success. If a fellow law student cannot craft an intelligible paragraph by now, they are hopeless, truly terminal cases. Good writers, after all, are born, not made. Right?

Perhaps. *Great* writing cannot be taught. Each generation produces only one Cardozo and one Twain, if that. But I suspect the goals of the new writing course to be much less ambitious. If it only hopes to make all law

students *proficient* writers, its aim is true.

But will it work? I think so, especially considering how little most of us wrote in high school and college. And, be honest, how many disks or ribbons did you replace during college? I think mine rusted. Few of us now qualify as prolific writers. Fewer still qualify as *complete* writers.

Whenever the requirement takes effect, I expect it to be met with a chorus of boos and catcalls (mine included). But if the price of a better legal education is temporary inconvenience, so be it. All in all, the new writing requirement sounds like good medicine.

Rain Acts as No Bar to Race Judicata

By Tony Armstrong

On the type of morning when most of us just roll over and go back to sleep, twenty-five "law-related" diehards were braving the elements at the IU Foundation Golf Course. No, this was not another group of alumni golfers trying to squeeze in a round before the really heavy stuff started. These were runners on the IU Cross Country Course competing in The Race Judicata. This 5K (3.1 mile) race is held each year in conjunction with the IU Law Conference which was just completed on September 15.

This year's event was won by Chris-

tian Morrison (3L). The first female finisher, in third place overall, was Nina Braun (3L).

"Slick course conditions slowed many of the participants, but not the frontrunners," commented Dean Fromm. "Despite the pouring rain they turned in some exceptional times."

When asked what motivated these athletes to run in such poor conditions, Craig Bobay (2L) answered, "Peer pressure, everyone sort of wandered over to the starting line because no one wanted to chicken out."

Legal Drafting Seen as Lost Art

By Brian Lehrer

Legal drafting has nothing to do with conscription, but for Professor F. Reed Dickerson it is a war of sorts.

According to Dickerson, legal drafting, the preparation of definitive instruments like statutes and contracts, has been ignored by law school curriculums across the country.

"The problem is burnout," he said. "Law professors don't want to teach it."

Drafting is a skill that demands rigorous training. Dickerson said law professors are hesitant to teach a class that requires so much time, attention, and critiquing of papers.

In an attempt to combat the problem, which is leaving the legal profession bereft of those who can draft comprehensible documents, Dickerson has designed a teaching method that allows professors to teach the course with minimal pain.

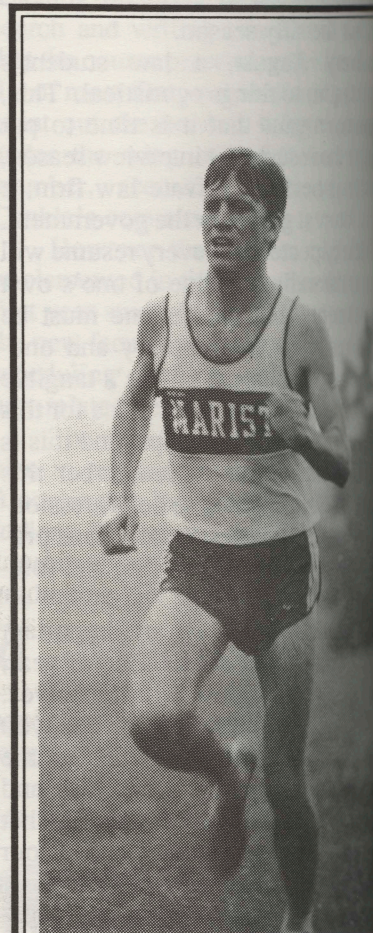
"Professors don't like to grade papers," he said, "and they like critiquing them even less."

Student papers are placed on overhead projectors and the professor critiques them during class time. This minimizes the burden of work for the teacher, and provides an open, give-and-take class session for the students.

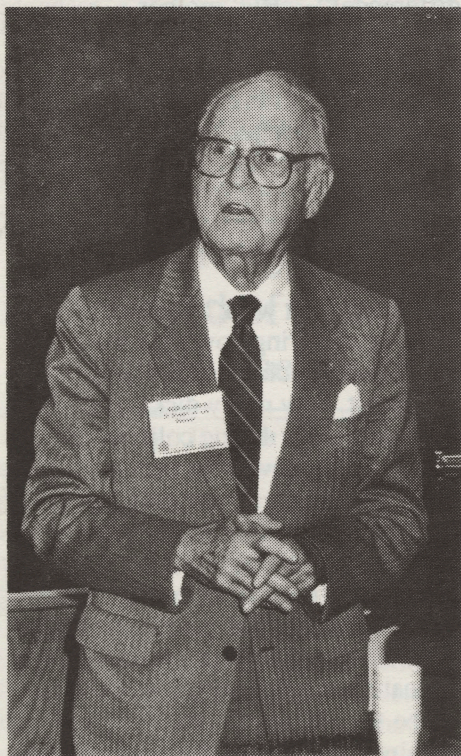
Dickerson's "Teaching Manual for Materials on Legal Drafting," published by West Publishing, contains masters for transparencies that can be used on the projector. This allows professors to illustrate drafting principles without using the cumbersome blackboard.

"If I had my way I would throw out all the blackboards at Indiana and use only overhead projectors," he said.

Dickerson has chalked up compliments nationwide for his manual, which according to one professor is so easy to follow that "with it a chimpanzee could teach the course."



Christian Morrison



Professor F. Reed Dickerson

IU has a drafting course, taught by Professor Robert Heidt, that employs Dickerson's method.

Despite all this, it is apparent more will be required than the availability of those with opposable thumbs. Legal drafting is to become widely taught at North American law schools.

In 1988 Dickerson founded the Institute for Legal Drafting, an organization dedicated to foster research, education, and reform in legal drafting.

Dickerson said the course is now taught at one or two law schools across the continent.

"This is a crusade to reorientate the legal profession and law schools," he said. "The current intellectual chaos in the constitutional and statutory fields has been caused by a lack of cognitive skills associated with the art of legal drafting."